

RESOLUTION NUMBER R- 298993

ADOPTED ON MARCH 23, 2004

WHEREAS, The Bishop School, a California Corporation, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit, site development permit, special use permit, planned development permit and amendment to site development permit, coastal development Permit No. 41-0217 to construct an expansion to an existing school known as The Bishop's School project, located at 7607 La Jolla Boulevard, and legally described as Lots, 1-10, 12, 13, 36, 37, and 41-46, Block 12, La Jolla Park, Map No. 352, Lots 1, 25-37, Block 13, La Jolla Park, Map No. 352, Lots 1-24, Block 18, La Jolla Park, Map No. 352, Lots 1 - 20, Block 19, La Jolla Park, Map No. 352, in the La Jolla Community Plan area within Zone 5 and Zone 6 of the La Jolla Planned District, Coastal Overlay zone, Coastal Height Limitation Overlay Zone, and the Beach Parking Impact Overlay zones; and

WHEREAS, on March 4, 2004, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] 10728, Site Development Permit [SDP] No. 10727, Special Use Permit [SUP] No. 10729, Planned Development Permit [PDP] No. 80680, and pursuant to Resolution No. 3484-PC voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on March 23, 2004, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to CDP No. 10728, SDP No. 10727, SUP No. 10729, PDP No. 80680, and amendment to Site Development Permit, Coastal Development Permit No. 41-0217:

A. COASTAL DEVELOPMENT PERMIT

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan. The proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan; and The 9.96 acre project site, is currently developed with an existing private school and is proposed to be expanded by demolishing nine existing adjacent buildings and constructions of new school facilities through-out the campus site. The project site is located about two blocks from the coast-line. The project features and overall development of the site, which will stay within the private property and will not encroach upon any existing or proposed physical access to the coast, and the new buildings are designed to be below the thirty foot height limit and will not obstruct ocean or other scenic views from public vantage points. The proposed public right-of-way vacations involve current dead end portion of Cuvier Street and portions of a adjacent dead end alley. The public right-of-way vacations will not reduce public access to the adjacent coastal areas, it is designed to improve local circulation in this area. The project proposes to add addition off-street parking beyond the minimum required amount which should improve the on street parking availability in the area. This proposed development will also maintain and improve the existing sidewalk system adjacent to the property.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The 9.96 acre project site, is currently fully developed with an existing private school within an urbanized area. The project site does not contain any form of environmentally sensitive lands, except for the Historical Resources. The environmental review, Mitigated Negative Declaration No. 6162, determined that the project site contained Historical Resources, both Archaeological and Paleontological Resources. The project was revised to include mitigation measures to mitigate potentially significant environmental impacts to a level below significance.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The proposal is an expansion of an existing use of a private school. The expansion is proposing to amend the previously approved Site Development Permit and Coastal Development Permit. The project site has a land use designation of Schools and Medium Density Residential by the La Jolla Community Plan and the La Jolla; La Jolla Shores Local Coastal Plan. The proposed expansion of the school use was found to be consistent with those land use designations through a Special Use Permit. The project site is in Zones 5 and 6 of the La Jolla Planned District and the proposed expansion was found to conform with all of the development regulations of those zones, except for the proposed deviations under the Planned Development Permit which were found to be beneficial to the overall project design, the historic nature of the site and the public at large through the ample amount of off street parking.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The 9.96 acre site, an existing private school to be expanded is not located between the first public road and the sea or coastline. The proposed development will be fully within private property of the project site, except for the small portions of proposed alley and street vacations which, if approved would become part of the project site. Public access to the sea and public recreation areas would not be impaired by the development of this site. The proposed project is designed to take access off the existing adjacent streets with modifications to Cuvier Street and an adjacent alley which is designed to improve circulation for the area.

B. SITE DEVELOPMENT PERMIT

1. The proposed development will not adversely affect the applicable land use plan; The 9.96 acre project site has a land use designation of School and Medium Density Residential use by the La Jolla Community Plan. The proposed expansion of the school use was found to be consistent with those land use designations through a Special Use Permit. The project site is in Zones 5 and 6 of the La Jolla Planned District and the proposed expansion was found to conform with all of the development regulations of those zones, except for the proposed deviations under the Planned Development Permit which were found to be beneficial to the overall project design, the historic nature of the site and the public at large through the ample amount of off street parking.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed expansion of the private school was reviewed by the City's Environmental Analysis Section. A Mitigated Negative Declaration, Project No. 6161 was prepared which identified potential impacts to archaeological and paleontological resources. Mitigation measures were incorporated into the project which now reduces the potential impacts to a level below significant. No further adverse impacts to public health, safety, and welfare were identified.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed expansion to the existing private school was found to comply with all of the development regulations of Zones 5 & 6 of the La Jolla Planned District, except for the proposed deviations under the Planned Development Permit which were found to be beneficial to the overall project design, the historic nature of the site and the public at large through the ample amount of off street parking.

C. SPECIAL USE PERMIT

1. The project is consistent with the Purpose and Intent section of this Division (San Diego Municipal Code Section [SDMC] section 103.1201). The purpose and intent is to require development to retain and enhance the economic, historical, architectural, civic social, cultural, and aesthetic values, and the overall quality of life within the community. This project is consistent with that, due to its overall comprehensive design to tie the overall architectural design of the existing campus buildings, existing wall design, and that of the new development which is designed to be sympathetic to the existing architecture of the campus. Other improvements include better traffic circulation off of Cuvier Street and alley connection, and increased off-street parking.

2. The project is consistent with (SDMC sections 103.1205, 103.1206 and 103.1207) of this Division. The proposed expansion of the private school is consistent with all of the relevant development regulations, including those of the La Jolla Planned District, except for the proposed deviations under the Planned Development Permit which were found to be beneficial to the overall project design, the historic nature of the site and the public at large through the ample amount of off street parking.

3. The project is consistent with the standards identified in this section. The proposed expansion of the private school is consistent with all of the relevant development regulations, including those of the La Jolla Planned District, except for the proposed deviations under the Planned Development Permit which were found to be beneficial to the overall project design, the historic nature of the site and the public at large through the ample amount of off street parking.

D. PLANNED DEVELOPMENT PERMIT

1. The proposed development will not adversely affect the applicable land use plan. The 9.96 acre project site has a land use designation of School and Medium Density Residential use by the La Jolla Community Plan. The proposed expansion of an existing private school was found to be consistent with those two land use designations. The project site is in Zones 5 and 6 of the La Jolla Planned District and the proposed expansion was found to conform with all of the development regulations of those zones, except for the proposed deviations under the Planned Development Permit which were found to be beneficial to the overall project design, the historic nature of the site and the public at large through the ample amount of off street parking.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed expansion of the private school was reviewed by the City's Environmental Analysis Section. A Mitigated Negative Declaration Project No. 6162 was prepared which identified potential impacts to archaeological and paleontological resources. Mitigation measures were incorporated into the project which now reduces the potential impacts to a level below significant. No further adverse impacts to public health, safety, and welfare were identified.

3. The proposed development will comply with the regulations of the Land Development Code. The proposed expansion to the existing private school was found to comply with all of the development regulations except for the height of the proposed perimeter walls of the site exceed the maximum height of three feet. The deviation to the high perimeter walls is supported by the City staff based on the historic design of the existing perimeter walls. The new wall portion is designed to be similar to the older portions of the wall.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed expansion to an existing private school will include improvements to its off-street parking and students drop and pick-up traffic circulations, which should reduce off street parking impacts on adjacent properties and free up the adjacent public streets for traffic movements during the school's peak periods. The school as an educational institution provides a very valuable service and asset to the community. The project will also enhance, through its architectural design the historic nature of the existing building on the site.

5. Any proposed deviations pursuant to SDMC section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The project proposes deviations to wall/fence heights, setbacks for the subterranean garage and

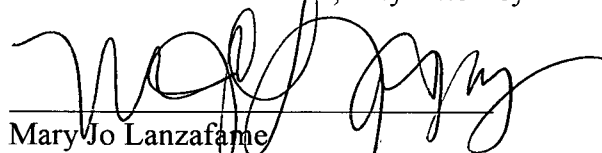
athletic facilities. The proposed deviations under the were found to be beneficial to the overall project design, due to the historic nature of the site flexibility was needed with respect to the wall design in order to maintain a similar wall design as the existing one. The unique use of a school with athletic facilities needed some degree of flexibility in the fencing design for the athletic areas. The subterranean garage will provide an ample amount of off-street parking above the code requires, which should be a beneficial for the public at large living in and using this area.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Coastal Development Permit No. 10728, Site Development Permit No. 10727, Special Use Permit No. 10729, Planned Development Permit No. 80680, and amendment to CDP/SDP No. 41-0217, Project No. 6162 is granted to Bishop's School, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:cfq:pev

04/08/04

Or.Dept: Planning

R-2004-1008

Reviewed by: Glenn Gargas

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 10728
SITE DEVELOPMENT PERMIT NO. 10727
SPECIAL USE PERMIT NO. 10729
PLANNED DEVELOPMENT PERMIT NO. 80680
AMENDMENT TO SITE DEVELOPMENT PERMIT AND
COASTAL DEVELOPMENT PERMIT NO. 41- 0217
THE BISHOP'S SCHOOL – PROJECT NO. 6261 [MMRP]

CITY COUNCIL

This coastal development permit, site development permit, special use permit, planned development permit, and amendment to Site Development Permit and Coastal Development Permit No. 41-0217 is granted by the City Council of the City of San Diego to the Bishop's School, a California Corporation, Owner/Permittee, and pursuant to San Diego Municipal Code [SDMC] sections 126.0702, 126.0502, 103.1208, 126.0602, 129.0702, 62.0205, 125.1001 and 126.0113. The 9.96 acre site is located at 7607 La Jolla Boulevard in Zones 5 and 6 of the La Jolla Planned District, Coastal Overlay Zone, Coastal Height Limitation Overlay Zone, Beach Parking Impact Overlay Zone and within the La Jolla Community Planning Area. The project site is legally described as Lots 1–10, 12, 13, 36, 37, and 41-46, Block 12, La Jolla Park, Map No. 352, Lots 1, 25–37, Block 13, La Jolla Park, Map No. 352, Lots 1–24, Block 18, La Jolla Park, Map No. 352, Lots 1 – 20, Block 19, La Jolla Park, Map No. 352.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow removal or demolition of nine existing building and expansion and construction of new school facilities throughout the campus site, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated March 23, 2004, on file in the Development Services Department. The exhibits, referred to as Exhibit "A," are identified as follows:

T-1.0, Sheet 1 of 21: Development Summary

C-1, Sheet 2 of 21: Civil Site Plan

- C-2, Sheet 3 of 21: Grading and Drainage Plan
- C-3, Sheet 4 of 21: Encumbrance Exhibit
- C-4, Sheet 5 of 21: Existing Topography
- A-1.0, Sheet 6 of 21: Existing Site Plan
- A-1.1, Sheet 7 of 21: Proposed Master Site Plan
- A-1.3, Sheet 8 of 21: Parking Garage Plan
- A-1.4, Sheet 9 of 21: (intentionally blank)
- A-1.5, Sheet 10 of 21: Site Sections & Entry Elev. At Prospect Street
- A-2.0, Sheet 11 of 21: Master Plan
- A-2.1, Sheet 12 of 21: Library Floor & Roof Plan
- A-2.2, Sheet 13 of 21: Master Plan
- A-3.0, Sheet 14 of 21: Exterior Elevations
- A-3.1, Sheet 15 of 21: Library Elevations & Sections
- A-3.2, Sheet 16 of 21: Arts & Athletics exterior Elevations
- A-3.3, Sheet 17 of 21: Miscellaneous architectural Details
- L1.0, Sheet 18 of 21: Landscape Plan
- L2.0, Sheet 19 of 21: Landscape Details and Calculations
- E 1.0, Sheet 20 of 21: Master Lighting Plan
- E 1.1, Sheet 21 of 21: Lighting Plan Details

The project or facility shall include:

- a. Proposed construction of a two-story Science Building to total approximately 19,807 square-feet of gross floor area, a two-story Arts & Athletics Building to total approximately 20,000 square-feet, a two-story Library Building to total approximately 20,000 square-feet, subterranean parking garage with artificial turf field over the garage, expansion of the existing swimming pool, and relocation of the existing tennis courts, on a 9.96 acre property;

- b. Existing facilities – Classrooms, childcare facility, performing arts department and theatre, and other related school accessory uses, contained with Scripps Hall, Bentham Hall, Gillman Hall, St. Mary’s Chapel, Chapel Bell Tower, Wheeler Bailey Library, Cummins Hall, Ellen Brown Scripps Hall, Athletic Center and Performing Arts Center Addition consisting of approximate total of 177,650 square feet; and
- c. A total enrollment not exceeding 725 students; and
- d. Playgrounds, tennis courts, swimming pool, gymnasium, and other recreational facilities, and
- e. Landscaping (planting, irrigation and landscape related improvements);
- f. Off-street parking facilities;
- g. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor

shall be subject to each and every condition set out in this Permit and all referenced documents.

5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," all plans, sheets 1 through 21. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action following all appeals.

11. This Permit may be developed in phases. Each phase shall be constructed to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved exhibits, dated March 23, 2004.

12. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

14. As conditions of Coastal Development Permit, Site Development Permit, Special Use Permit, Planned Development Permit, and Amendment to Site Development Permit and Coastal Development No.41-0217, the mitigation measures specified in the MMRP, and outlined in the Project No. 6162, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in the Mitigated Negative Declaration Project No. 6162, satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Historical Resources (Archaeology)
- Paleontological Resources

16. The Mitigation, Monitoring, and Reporting Program [MMRP] shall require a deposit of \$1,100.00 to be collected prior to the issuance of Coastal Development Permit, Site Development Permit, Special Use Permit, Planned Development Permit, and Amendment to Site Development Permit and Coastal Development No.41-0217 to cover the City's costs associated with implementation of the MMRP.

17. A Job Order number open to the Land Development Review Division of the Development Services Department shall be required to cover the Land Development Review Division's cost associated with the implementation of the MMRP.

ENGINEERING REQUIREMENTS:

18. Prior to building occupancy, the Owner/Permittee shall conform to SDMC section 62.0203, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

19. Prior to the issuance of building permits the Owner/Permittee shall obtain Encroachment Maintenance Removal Agreements for the two curb outlets on Prospect St.

20. Prior to issuance of building permits, the Owner/Permittee shall enter into an agreement to indemnify, protect and hold harmless City, its officials and employees from any and all claims, demands, causes or action, liability or loss because of, or arising out of conveying storm water runoff through the project site.

21. Prior to the issuance of any construction permit, the Owner/Permittee shall demonstrate that there will be no structural impacts to the existing box culvert due to the expansion of the swimming pool. If there are no impacts, the applicant shall obtain an Encroachment Maintenance Removal Agreement [EMRA]. The applicant will be required to obtain an EMRA for all other existing and proposed structures within the drain easement.

22. Prior to the issuance of building permits the Owner/Permittee shall permit and bond for the replacement of the existing curb with City standard curb and gutter adjacent to the proposed expansion areas on La Jolla Blvd. and Draper Ave. and replace any damaged sidewalk adjacent to the project boundary on La Jolla Blvd., Prospect St., Cuvier St. and Draper Ave. satisfactory to the City Engineer. Said improvements may be phased with the concurrent on site construction.

23. Prior to the issuance of building permits the Owner/Permittee shall permit and bond for the construction of a pedestrian ramp, adjacent to the site on Draper Ave, for the closure of all non-utilized driveways and for the construction of the new driveways, satisfactory to the City Engineer.

24. This project proposes to export 59,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.

25. The drainage systems proposed for this development, as shown on the site plan, is subject to approval by the City Engineer. Drainage systems not located within a public right-of-way shall be private

26. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08-DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity*. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

27. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB

Order No. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08-DWQ.

28. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance, satisfactory to the City Engineer.

29. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

30. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report

31. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

32. All new buildings shall be a minimum of 0.75 foot above the 100 year base flood elevation.

33. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

34. Prior to the issuance of the first building permit, applicant shall assure by permit and bond the restriping of angled parking spaces along project frontage on Draper Avenue as shown on Exhibit "A," Proposed Master Site Plan, Sheet 7 of 21, satisfactory to the City Engineer.

35. Prior to the issuance of the first building permit, Owner/Permittee shall assure by permit and bond the dedication and full-width improvement of 25' wide alley with appropriate triangular area as shown on Exhibit "A," Proposed Master Site Plan, Sheet 7 of 21, along the southern propertyline connecting to the two existing alleys located east and west of Cuvier Street off of Pearl Street, satisfactory to the City Engineer.

36. Prior to the issuance of the first building permit, Applicant shall assure by permit and bond the installation of stop signs and legends on the proposed new alley as shown on Exhibit "A," Proposed Master Site Plan, Sheet 7 of 21, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

37. Prior to issuance of any grading or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Proposed Master Site Plan, Sheet 7 of 21. No change, modification, or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

38. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydro seeding of all disturbed land (all slopes and pads), shall be submitted to the satisfaction of the City Manager (including the City's Environmental Analysis Section) and City Engineer. All plans shall be in substantial conformance to Exhibit "A," Proposed Master Site Plan, Sheet 7 of 21, and all other applicable conditions of related permits.

39. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment, and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

40. All required landscape shall be maintained in a disease, weed, and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Owner/Permittee shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual.

41. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved plans is damaged or removed during demolition, it shall be repaired or replaced in kind and equivalent size per the approved plans within thirty days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available or an increased number) to the satisfaction of the City Manager.

42. No change, modification, or alteration shall be made to the project unless appropriate application or amendment of this Permit has been granted by the City. All plan specifications and notes mentioned in the conditions below shall be consistent with the La Jolla Planned District, the Land Development Code, and the Landscape Standards, Exhibit "A," Landscape Development Plan, Sheets 18 and 19 of 21. Details and Notes on file in the Office of the Development Services Department.

43. All landscape plant materials shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees

shall be maintained in a safe manner to allow each tree to grow to it's mature height and spread.

44. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the Landscape Standards.

45. If any landscape improvements (including existing or new planting, hardscape, landscape features, etc.) are damaged or removed during demolition or construction, they shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager, within thirty days of damage and prior to any Certificate of Occupancy.

46. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation plans on duplicates of improvement plans shall be submitted to the City Manager for approval. All tree locations shall have an adequate growing area around each tree's root zone, which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of any tree.

47. Prior to issuance of any engineering permits for grading, or any construction permits for structures (including shell), complete landscape and irrigation plans, details and specifications (including maintenance specifications), shall be submitted to the City Manager for approval.

48. In the event that a Foundation Only permit is requested by the Permittee or subsequent Owner, a staking layout plan identifying all landscape areas shall be submitted to the City Manager for approval. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "Planting Area (PA)."

49. Prior to issuance of any Certificate of Occupancy or final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape improvements and obtain all required landscape inspections. A No Fee Street Tree Permit, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

PLANNING/DESIGN REQUIREMENTS:

50. No fewer than 193 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," Master Site Plan and Parking Garage Plan, (257 spaces provided). Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

51. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including

exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

52. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

53. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

54. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

55. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

56. No more than 725 students shall be enrolled at any time.

57. All gates proposed on La Jolla Boulevard shall remain open at all times during school hours of operation.

58. All signs associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.

59. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

60. Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be

measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the City Manager.

61. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

62. The subject property shall be maintained in a neat and orderly fashion at all times.

63. All uses, except storage, outdoor activity (e.g. athletic facilities) and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

64. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers, and latticework.

65. No merchandise, material, or equipment shall be stored on the roof of any building.

66. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," Master Site Plan, Civil Site Plan, Sheets 2 and 7 of 21.

67. The hours of use of the athletic field shall be limited to 7:00 a.m. to 8:00 p.m. daily. Only security lighting is permitted for the athletic field.

68. Use of the tennis courts shall only be under the control and direction of the applicant, and be limited to use by the applicant's school students and scheduled opponents only. They may also be used for exhibitions up to a maximum of four times a year. The hours of use of the tennis courts shall be limited to 7:30 a.m. to 10:00 p.m., Monday through Saturday, and 8:00 a.m. to 9:00 p.m. on Sunday. Lights are permitted for the use of the tennis courts.

69. The hours of use of the swimming pool shall be limited to 6:00 a.m. to 8:00 p.m.. Lights are permitted for the use of the swimming pool.

70. This permit allows for chain link fencing surrounding the athletic field and tennis courts only. Chain link fences are prohibited in all other locations. All permitted chain link fencing must be coated with either green or black plastic or an alternative material as determined by the City Manager. In addition, a green or black cloth cover is required on portions of chain link fence, as illustrated on the Exhibit "A," Proposed Site Master Plan, Sheet 7 of 21.

71. This permit allows for new fences and walls along La Jolla Boulevard and Draper Street in excess of three feet. The walls and fences must be of the size, shape, and materials shown on the Exhibit "A," Site Sections & Entry Elev. At Prospect Street, Sheet 10 of 21.

72. This permit allows for the athletic field/parking garage structure and tennis courts to be located within required setbacks as shown on the Exhibit "A"- drawings.

73. This permit allows for the construction of new 5-foot wide sidewalks to match the existing sidewalk width.

74. The parking structure must be open and functioning prior to the issuance of any Certificate of Occupancy for any new school building.

75. Permanent loud speakers and/or permanent amplified sound systems are not permitted for any outdoor activity areas. Temporary loud speakers and/or temporary amplified sound systems are permitted on an occasional basis for special events, such as commencement, annual field days, and division, regional, and state competitions. Temporary loud speakers and temporary amplified sound systems shall be in compliance with sound level limits of SDMC section 59.5.0401, "Noise Abatement and Control," to the satisfaction of the City Manager.

76. The childcare facility shall provide services for only the children of school faculty and employees.

77. The scalloped wall along Draper Street shall be constructed to the height and style shown in the approved Exhibit "A," Site Sections & Entry Elev. At Prospect Street, Sheet 10 of 21. Each scalloped portion of the wall shall undulate to a maximum of three feet in height at the midpoint between each set of pilasters.

78. Prior to building permit issuance the Owner/Permittee conduct the following:

- Erect a plaque or standing monument commemorating this minority community, which can be seen from the campus and the neighborhood.
- Place historical markers on those campus buildings now designated historic or a historical district.

- Document with photographs, history, ect., the buildings to be demolished, Providing copies to the La Jolla Historical Society.

WASTEWATER REQUIREMENTS:

79. All on-site sewer will be private.
80. Prior to the issuance of any certificate of occupancy, the Owner/Permittee shall abandon on- site public sewer mains or they will be converted to private, satisfactory to the Metropolitan Wastewater Department Director. Any associated public easements shall be vacated, satisfactory to the Director of the Metropolitan Wastewater.
81. No private sewer facilities shall be in or over any public right of way prior to the Owner/Permittee obtaining an Encroachment Maintenance and Removal Agreement.
82. Prior to the issuance of any certificate of occupancy, the Owner/Permittee shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Director of the Metropolitan Wastewater.
83. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide.
84. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
85. For public on-site sewer facilities and easements located within a gated community, the Owner/Permittee shall provide the Wastewater Collection Divisions with keyed access satisfactory to the Director of the Metropolitan Wastewater The City will not be held responsible for any issues that may arise relative to possession of the keys.

WATER REQUIREMENTS:

86. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the cut, plug and abandonment of existing public water facilities within the Cuvier Street right-of-way, at a point approximately 200 feet (maximum) north of the northerly right-of-way line of Pearl Street, in a manner satisfactory to the Director of the Water Department and the City Engineer.
87. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) and the removal of all existing unused services, as needed, within the rights-of-way adjacent to the project site, in a manner satisfactory to the Director of the Water Department and the City Engineer. All on-site water facilities shall be private including domestic, fire, and irrigation systems.

88. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service, existing and proposed, in a manner satisfactory to the Director of the Water Department and the City Engineer.

89. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall design and construct new public water facilities, into acceptable alignments and right-of-way, in the event any public water facility adjacent to the project site loses integrity due to the construction and grading activities associated with this development, in a manner satisfactory to the Director of the Water Department and the City Engineer.

90. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshal, the Director of the Water Department and the City Engineer.

91. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.

92. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved Exhibit "A" shall be modified at final engineering to comply with standards.

GEOLOGY REQUIREMENTS:

93. The following notes must be added to the grading plans as "Special Geotechnical Notes." Do not include these under the "Grading and Geotechnical Specifications" certificate.

- The Geotechnical Consultant shall provide an observation program during excavation to verify the lack of faulting on the site.
- Faults discovered during grading of the site shall be evaluated and analyzed for activity level by the geotechnical consultant with detailed reports submitted subject to review and approval by City Geology staff prior to issuance of building permits.
- A "Notice of Geologic and Geotechnical Conditions" shall be recorded prior to issuance of building permits for buildings sited over any potentially active fault(s) discovered on-site unless a setback from the fault is recommended by the geotechnical consultant. No structure for human occupancy shall be permitted over the trace of an active fault.
- The precise as-graded location of fault(s) shall be shown on the Final As-Graded Plans subject to review and approval by City Geology staff.

- The geotechnical consultant shall provide onsite evaluation during grading and installation of the shoring system to verify geotechnical conditions affecting the proposed construction. If conditions differ from those anticipated, the geotechnical consultant must revise their recommendations as deemed necessary to ensure safe and stable excavations.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on March 23, 2004 by Resolution No. R-298993

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

THE BISHOP'S SCHOOL
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

R- 298993